

***Transition:
Order No. 96-04
to Order No. 2006-003-DWQ***

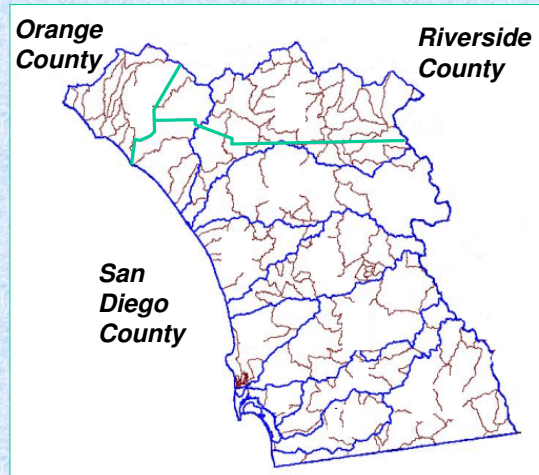
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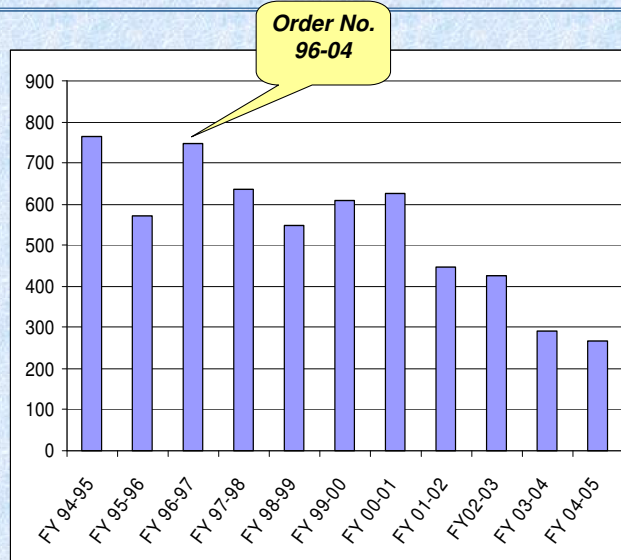
Mission Statement

Our mission is to preserve and enhance the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations.



Order No. 96-04

- Adopted May 1996
- 47 Sewer Agencies in Region 9



Order No. 96-04 was adopted by San Diego Regional Board in May 1996 to address what had been an increasing number of sewage spills in the region.

The San Diego Region was the first, and for many years the only, Regional Board in California to specifically address sewage spills through waste discharge requirements.

Currently, 47 sewer agencies are covered under Order No. 96-04.

As shown on this chart, the number of SSOs in the Region has gradually declined over the last decade from over 700 SSOs to under 300 SSOs. The number of beach closures have also been going down.

Order No. 96-04 has been a very important tool in improving water quality in the Region and protecting public health. The real work, however, was done by the sewer agencies in the Region which stepped up to the plate and rehab-ed or replaced old sewer lines, increased capacity, and improved SSO response procedures.

Order No. 96-04 vs General SSO WDR

PROHIBITION

Order No. 96-04

- All SSOs

based on Region 9 Basin Plan Prohibitions

General SSO WDR

- SSOs to waters of the US
- SSOs that create a nuisance

Comparison on three main areas of Order No. 96-04 and the new Statewide General SSO WDR:

Order 96-04 prohibits all SSOs. This prohibition is based on prohibitions contained in the Basin Plan.

The Statewide General SSO WDR contains two prohibitions. The first prohibits SSOs that reach waters of the US. The second prohibits SSOs that create a nuisance. Nuisance is defined in the California Water Code.

Order No. 96-04 vs General SSO WDR

MANAGEMENT PLANS

Order No. 96-04

- SSO Prevention Plan
- SSO Response Plan

General SSO WDR

- SSMP (Sewer System Management Plan)

Order No. 96-04 required sewer agencies to prepare, implement and update an SSO prevention plan and an SSO response plan. Order 96-04 stated the goals of these plans but did not provide specific guidance on the elements of the plans. The reason is that sewer systems and sewer agencies are diverse. Sewer agencies need to tailor the plans to their specific systems and organizational structure.

The Statewide General SSO WDR requires sewer agencies to develop a Sewer System Management Plan and identifies specific elements that the plan must contain. The San Diego Regional Board supports the requirement for the development and implementation of a written Sewer System Management Plan (SSMP). The SSMP elements are well-considered and should result in improved SSO prevention and response.

Order No. 96-04 vs General SSO WDR

REPORTING REQUIREMENTS

Order No. 96-04

	<i>Reaches surface waters</i>		<i>No surface water</i>	
	<i>Less than 1000 gal</i>	<i>1000 gal or more</i>	<i>Less than 1000 gal</i>	<i>1000 gal or more</i>
<i>24-hr report</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>
<i>5-day written report</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>
<i>Quarterly Floppy Disk Report</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

General SSO WDR

- **State On-Line System**

Order 96-04 required that SSOs have to be reported to the Regional Board within 24 hours followed by a written final report if the SSO was 1000 gallons or more regardless of where it goes or any volume that reaches surface waters. All SSO also had to be reported quarterly on a floppy disk.

The Statewide General SSO WDR requires use of the Statewide SSO on-line system. This requires that major SSOs be reported using the system within 3 days followed by a final certified report within 15 days. This system should make SSO reporting and processing more efficient for both the sewer agencies and the Regional Board.

Remaining Issues

- **Rescission of Order No. 96-04**
- **Prohibition of all SSOs**
- **Monitoring and Reporting Program**
- **24-hour reporting**
- **Annual Fees**

In general, the Regional Board supports the Statewide General SSO WDR. So we will retire Order No. 96-04, to avoid having two permits covering the same activity.

A few issues remain that must be addressed during the transition from Order 96-04 to the Statewide General SSO WDR. These include when and how we will rescind Order No. 96-04; how the Regional Board can implement the Basin Plan prohibitions within the context of the Statewide General SSO WDR; making the transition to the new monitoring program; 24-hour reporting for significant SSOs; and payment of annual fees.

Rescission of Order No. 96-04

- *All NOIs submitted by November 2, 2006*
- *Rescind Order No. 96-04 effective November 2, 2006*

The deadline for sewer agencies to submit an NOI for coverage under the Statewide General SSO WDR is November 2. The Regional Board will adopt a resolution that will rescind Order No. 96-04 no later than this coming October with an effective date of November 2, 2006. In this way, sewer agencies will be covered continuously under a SSO permit and avoid a gap in regulatory coverage.

Monitoring and Reporting Program

- *San Diego Region begins on-line reporting January 2, 2007*
- *Follow reporting procedures of Order No. 96-04 for November 2, 2006 – January 1, 2007*

Sewer agencies in the San Diego Region will be able to use the Statewide online SSO reporting system by January 2, 2007.

Since we will be rescinding Order No. 96-04 effective November 2, potentially, there could be a period when there is no monitoring and reporting program. We will send out letters before November 2 that will tell sewer agencies to continue following the reporting procedures of Order 96-04 through January 1, 2007.

Prohibition of All SSOs

- *Region 9 intends to continue prohibition of all SSOs*
- *Define all SSOs as nuisance, and therefore prohibited.*
- *Nuisance spills include subsurface SSOs and SSOs reaching ground surface.*

The San Diego Regional Board intends to continue prohibiting all SSOs. This is a policy that is consistent with and implements our Basin Plan. It has been our Regional policy for ten years under Order 96-04.

We don't think we will need to issue a separate Order or requirement that would be in addition to the Statewide General SSO WDR. Instead, the Regional Board will make a finding that all SSOs create a nuisance based on our Basin Plan prohibitions, and therefore all SSOs are prohibited by the Statewide General SSO WDR.

So in addition to SSOs that reach waters of the US, nuisance spills are all also prohibited such as SSOs that enter storm drains but are recaptured, SSOs that flow or pond on the ground surface only, and SSOs that remain below the ground surface.

24-Hour Reporting

*San Diego Regional Board will require
24-hour reporting for:*

- SSOs 1,000 gallons or more*
- Any SSO resulting in ocean water closure (beach closure).*

The San Diego Regional Board wants to continue to be notified of certain significant spills within 24-hours rather than up to 3 days using the Statewide online reporting system.

Therefore, we will issue a separate requirement for sewer agencies to report within 24 hours all SSOs 1,000 gallons or more and any SSO that causes a beach closure regardless of volume spilled.

Annual Fees

- *Sewer Agencies may receive two annual fee invoices*
- *Sewer Agencies obtain coverage under the General SSO WDR*
- *Regional Board will cancel annual fee for Order No. 96-04*

Sewer agencies may receive two invoices for annual fees, one for Order 96-04 and one for the Statewide General SSO WDR. This is because Order 96-04 may not be rescinded prior to the mailing of the invoices.

We will address this situation by cancelling the invoice administratively if the Sewer Agency has filed and NOI for coverage under the Statewide General SSO WDR.